

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

TEMPORARY PERMIT 20184Application 29093 of Bedford PropertiesP.O. Box 1267, Lafayette, California 94549filed on August 17, 1987, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Holland CutOld River thenceSan Joaquin River Delta Channels

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
California Coordinate System, Zone 3 N 545,950; E 1,689,000	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	30	2N	4E	MD

County of Contra Costa

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Wildlife Enhancement (Experimental)	Test Reservoir within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$	24	2N	3E	MD	
	SW $\frac{1}{4}$	19	2N	4E	MD	
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$	30	2N	4E	MD	
					Total	90

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water ^{diverted and used} ~~appropriated~~ shall be limited to the quantity which can be beneficially used and shall not exceed a total of 420 acre-feet per annum to be collected from December 15, 1987 to February 29, 1988.

(0000005)

The maximum rate of diversion to offstream storage shall not exceed 60 cubic feet per second.

(000005J)

6. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no water shall be diverted under this temporary permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the diversion works.

(0000063)

7. The storage reservoir under this temporary permit shall not use any existing levees on Holland Tract as an impounding facility.

(0400500)

8. Water stored under this temporary permit is to be returned to San Joaquin River Delta channels during May, June, and July, 1988 in reasonably unimpaired quality.

(0310999)

9. The water diverted under this temporary permit shall be used to evaluate the effect of long term deep submergence on plant life. A report of evaluation along with potential impacts on wildlife enhancement shall be prepared and submitted to the State Water Resources Control Board and interested parties for review.

(0390999)

10. This temporary permit shall expire ^{June 15} ~~February 29~~, 1988 without further action by the State Water Resources Control Board.

(0350999)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit, including method of diversion, method of use, and quantity of water diverted, and subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

(0000012)

12. This temporary permit is issued and permittee takes it subject to the California Water Code, Division 2, Chapter 6.5, Section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board.

(0510999)

13. The State Water Resources Control Board shall supervise diversion and use of water under this temporary permit for the protection of vested rights and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representative of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this temporary permit.

(0000011)

14. Permittee shall report to the State Water Resources Control Board by March 15, 1988 the maximum rate of diversion to offstream storage and the total acre-feet diverted under this temporary permit.

(0100999)

15. Issuance of this temporary permit shall not be construed as indicating State Water Resources Control Board approval of water right permits requested under other pending applications.

(0510999)

16. The State Water Resources Control Board shall within 30 days review and validate this temporary permit, including the findings upon which it was issued, and should the Board fail or refuse to validate this temporary permit, it shall stand revoked as of the date of said Board meeting and shall be of no further force and effect.

(0530999)

Based upon record in this matter, I find:

- A. That the applicant herein is an applicant for a water right entitlement under the provisions of Chapter 6.5 commencing with Section 1425, Part 2, Division 2 of the Water Code.
- B. That the applicant has an urgent but temporary need to divert and use water under a temporary permit.
- C. That water is available for diversion and use by the applicant and may be diverted and used without injury to any lawful user of water and without unreasonable effect on fish, wildlife or other instream beneficial uses.
- D. That the proposed diversion and use of water under this temporary permit are in the public interest.
- E. That the project will not cause a significant effect on the environment and a Notice of Exemption has been prepared in accordance with Title 14, California Administrative Code, Section 15306 (Class 6 categorical exemption).

Accordingly, issuance of the within temporary permit is hereby authorized.

Dated: December 9, 1987

W. Don Maugh

In accordance with the foregoing, a temporary permit is hereby issued.

Lloy Johnson
for Chief, Division of Water Rights

December 9, 1987
Date

DECEMBER 14 1987

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights